

Before

THE BOROUGH OF WIND GAP ZONING HEARING BOARD

In Re: Continuance

A variance request for Spas Mitzin, Section 401, limit of one principal use, and Section 402, Principal Buildings, for a separate apartment building to be utilized as a second principal use on the same lot as the primary residence located at 505 North Lehigh Avenue, Wind Gap.

Wind Gap Borough Hall Council Chambers
29 Mechanic Street
Wind Gap, Pennsylvania 18091

Wednesday, November 7, 2007, beginning at 7:30 p.m.

PRESENT:

MARK SHARP, Chairperson
DEBORA ROSEBERRY, Member
SAM NITTLE, Member
KELLY RONALDS, Member
BRIAN PYSHER, Engineer,
DARLENE PLANK-TURLINGTON,
Zoning Officer

JOHN MOLNAR, ESQUIRE,
Solicitor

ORIGINAL

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I N D E X

WITNESS

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Darlene Plank-Turlington
Nina Mitzina

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1 THE CHAIRMAN: We have a continuance tonight.

2 MR. MOLNAR: We are going to have our Court
3 Reporter swear everybody in with an oath, please, before
4 we begin.

5 (The witnesses were duly sworn.)

6 MR. MOLNAR: We will begin tonight by hearing
7 from our zoning officer. We already have a record
8 started. We have Mr. Pysher and also our main zoning
9 officer present. Mr. Pysher, are you going to be
10 testifying tonight?

11 MR. PYSHER: I am going to leave it up to
12 Darlene. Darlene pretty much has handled it.

13 MR. MOLNAR: If you want to give us an update
14 from the last meeting from when Brian testified in terms
15 of the continuance.

16 DARLENE PLANK-TURLINGTON, after having been first
17 duly sworn, testified as follows;

18 MS. TURLINGTON: We will start from the
19 beginning. The applicants were given an enforcement
20 notice because of complaints from neighbors; they were
21 renting an apartment and also advertising for rent.

22 As the legal notice explains, they are seeking a
23 variance to section 401, limited one principal use;
24 section 402, principal buildings, for this separate
25 apartment.

1 I actually went there and there are two
2 apartments, but the garage is a detached garage, so it
3 is like an accessory structure, accessory building. So
4 I figured the second part would be deemed an accessory
5 use, at least the hardship to seek for would be part 5
6 of 8-6 which says variance will represent the minimum
7 variance that will afford relief that will represent the
8 least modification possible. The least modification
9 would be two principal uses not three. That is what
10 they are seeking.

11 MR. MOLNAR: The board members all have a notice
12 today of the continuation of the hearing which is
13 scheduled tonight at 7:30. Does anyone have any
14 questions of our zoning officer?

15 MS. ROSEBERRY: Yes, I do. I was not aware at
16 the last meeting that there had actually been complaints
17 about it. What were the nature of the complaints, just
18 that money was being made at this property through
19 rental or the type of people?

20 MS. TURLINGTON: Right. They were going outside
21 the ordinance and not doing the right thing and making
22 money.

23 MS. ROSEBERRY: It was not a disturbance, it was
24 not bad tenants; it was that it was not part of the
25 rules?

1 MS. TURLINGTON: Right.

2 MR. MOLNAR: The only other thing we want to
3 clarify on the record, and I think Brian did clarify if
4 I recall, notices were given pursuant to the ordinance?

5 MS. TURLINGTON: Yes, notices were given.

6 MR. MOLNAR: Tonight we are here on a variance
7 request. I talked to our chairman about this in terms
8 of the section of the variance, the things that you have
9 to establish tonight for the Zoning Hearing Board.

10 The zoning ordinance which I think the zoning
11 officer has previously identified to you in Wind Gap has
12 a variance section which is very similar, if not
13 identical, to all variance sections of the zoning
14 ordinance in Pennsylvania which is regulated by state
15 law. There are certain standards that the Board is
16 required by the ordinance and Municipalities Planning
17 Code, which is the state law that I was referring to,
18 that they have to look at in terms of whether they
19 should grant the relief that you are requesting.

20 I'll just take a moment and review those
21 standards with you. The first requirement is that the
22 person who is applying for the variance has to establish
23 that there are unique physical circumstances or
24 conditions including irregularity, narrowness,
25 shallowness of lot size or shape or exceptional

1 topographical or other physical conditions peculiar to
2 the particular property that is your property, and that
3 the unnecessary hardship is due to such conditions and
4 not circumstances or conditions generally created by
5 the provisions of the Wind Gap Borough Zoning Ordinance
6 in the neighborhood or district in which your property
7 is situated. So that is the first requirement in terms
8 of what the Board has to take a look at.

9 The second one is because of those physical
10 circumstances or conditions of the property, there is no
11 possibility that the property can be developed in strict
12 conformity with the provisions of the zoning ordinance,
13 and the variance, therefore, is necessary in order to
14 enable the reasonable use of the property.

15 The third requirement is that the use has not
16 been created by the person making the application. And
17 the fourth requirement for the variance, if authorized
18 by the Board, will not alter the essential character of
19 the neighborhood or district in which the property is
20 located, nor substantially or permanently impair the
21 appropriate use or development of the adjacent property,
22 nor be detrimental to the public welfare.

23 And the final requirement, which our zoning
24 officer referred to, is the variance if authorized will
25 represent the minimum variance which will afford relief

1 and represent the least modification possible with the
2 regulations at issue.

3 Those are the standards that the Board is
4 required to review. And they have the responsibility to
5 review those and they need to have evidence from you how
6 you meet those standards. I wanted to take just a
7 moment to review those with you, so that you have an
8 opportunity to fully and fairly bring any evidence you
9 have to the Board concerning those standards.

10 We only can have one person speaking at a time
11 because we have a Court Reporter. So we want to give
12 everyone full opportunity to state everything you would
13 like to state to the Board. We will just ask you that
14 only one person speak at a time.

15 NINA MITZINA, after having been first duly sworn,
16 testified as follows;

17 MS. MITZINA: My name is Nina Mitzina.

18 MS. MOLNAR: Nina, you have the floor. We would
19 like to hear you, and your father will be given an
20 opportunity to speak after you.

21 MS. MITZINA: We have pictures of the garage that
22 was already there when we bought the house.

23 MR. MOLNAR: You have some pictures you would
24 like to show the Board. Let's do this. Let's hear from
25 you, Nina, first. And you can state what you want. If

1 your father would like to say something, I know it is a
2 little bit unusual procedure, but let's hear from you,
3 and then we will have your father address us, whether it
4 is in Bulgarian or English. But could we hear from you
5 first and then while Nina is speaking, with respect to
6 both of you, could the two of you be seated while Nina
7 is speaking. Thank you.

8 MS. MITZINA: I have pictures of the actual
9 house.

10 MR. MOLNAR: We are going to mark that as
11 Applicant's Exhibit 1.

12 (Exhibit A 1 marked for identification.)

13 MS. MITZINA: I also have a letter from the real
14 estate.

15 MR. MOLNAR: Let's talk about the photographs,
16 first, Nina. There are two photographs on Applicant's
17 1. Could you tell the Board what the first photograph
18 is?

19 MS. MITZINA: First photograph is a picture of
20 the actual house and back there is a garage.

21 MR. MOLNAR: We are going to have a third
22 photograph. This is your home and then that is the
23 garage. Now, the second photograph?

24 MS. MITZINA: Back of the house.

25 MR. MOLNAR: Now, there's a third photograph

1 which we will mark as Applicant's Exhibit 2.

2 (Exhibit A 2 marked for identification.)

3 MR. MOLNAR: If you can identify that, please.

4 MS. MITZINA: That is the actual picture of the
5 garage.

6 MR. MOLNAR: Now, could you tell the Board who is
7 living in the house which is in Applicant's 1?

8 MS. MITZINA: My father and my mother and I and
9 my older sister, but she is not here right now.

10 MR. MOLNAR: Your family is living in the house?

11 MS. MITZINA: Yes, also relatives, whoever comes
12 and goes.

13 MR. MOLNAR: Could you tell the Board a little
14 bit about the relatives that come to your house. Are
15 they there frequently or are they just visiting?

16 MS. MITZINA: Usually for five or six months,
17 they come and they go. My grandparents are coming for
18 the winter, my mom's mom and dad.

19 MR. MOLNAR: And your relatives that live there,
20 you are living as one family unit or you are living
21 there as two units or just one big family?

22 MS. MITZINA: Just one big family.

23 BY MR. MOLNAR:

24 Q. How many people would you say would be there
25 generally during this time period when they are

1 visiting?

2 MS. MITZINA: Depends, it could be two. It could
3 be my mother and grandfather, my uncle and my aunt or
4 other cousins. We also have people who are not
5 relatives, like friends. My father's friend's son was
6 living in the house for the summer.

7 MR. MOLNAR: Could there be like four people or
8 ten people? Could you give the Board approximately how
9 many people would be living there maximum at any point
10 in time?

11 MS. MITZINA: Two, I would say.

12 MR. MOLNAR: Other than your family and extended
13 family living in the house, is there anything else the
14 house is used for?

15 MS. MITZINA: No.

16 MR. MOLNAR: Now, let's talk about the garage
17 which we have marked as A 2. Could you tell the Board a
18 little bit about what the garage is now being used for
19 right now?

20 MS. MITZINA: Nothing.

21 MR. MOLNAR: Now, you heard the zoning officer
22 testify that at some point in time there were concerns
23 about the property being rented?

24 MS. MITZINA: No, it was not rented. We did not
25 make any money out of it.

1 MR. MOLNAR: Was anybody living in there?

2 MS. MITZINA: Yes, my friend, but she does not
3 pay anything to us.

4 MR. MOLNAR: Now, did the Zoning Officer ever
5 make an inspection of the property; was she there at
6 all?

7 MS. MITZINA: Yes.

8 MR. MOLNAR: At that point in time, what was the
9 property used for?

10 MS. MITZINA: My friend lived there.

11 MR. MOLNAR: How long had your friend lived
12 there?

13 MS. MITZINA: For a month.

14 MR. MOLNAR: Now, in terms of what your request
15 is this evening for the Board, there is an application
16 to allow a residential use, somebody to live in there to
17 rent that property?

18 MS. MITZINA: Yes.

19 MR. MOLNAR: The garage I am talking about; is
20 that correct?

21 MS. MITZINA: Yes.

22 MR. MOLNAR: Could you explain to the Board what
23 is inside of the garage building?

24 MS. MITZINA: This is actually the car garage,
25 two doors. This is apartment here. This is apartment 1.

1 There is apartment 2. It is not used at all. We want
2 permission to rent there.

3 MR. MOLNAR: Is there a kitchen in there?

4 MS. MITZINA: Like a kitchen and living room,
5 one.

6 MR. MOLNAR: One room with a kitchen and living
7 room?

8 MS. MITZINA: Yes, like together.

9 MR. MOLNAR: Is there a bathroom in there?

10 MS. MITZINA: Yes.

11 MR. MOLNAR: And could you describe what the
12 bathroom is, shower, tub, sink?

13 MS. MITZINA: The tub is pretty small.

14 MR. MOLNAR: Now, you have another document which
15 is on Realty Executive Stationery?

16 MS. MITZINA: Yes.

17 MR. MOLNAR: We will mark that as A 3.

18 (Exhibit A 3 marked for identification.)

19 MS. MITZINA: It is people who sold the house,
20 the realtor.

21 MR. MOLNAR: Now, what is marked as A 3 is on
22 Realty Executive Stationery and a person named Joe
23 Kessler signed it?

24 MS. MITZINA: Yes.

25 MR. MOLNAR: Joe Kessler was the realtor when you

1 bought the house?

2 MS. MITZINA: Yes.

3 MR. MOLNAR: Can you tell the Board what the
4 purpose of submitting this letter is?

5 MS. MITZINA: From the last hearing from the
6 point that I understood there was supposed to be
7 evidence that the garage existed as of when we bought
8 the house. It is not like we made it after we bought
9 the house.

10 MR. MOLNAR: I will read this into the record.
11 It is a letter dated October 17, 2000 from Joe Kessler,
12 Realty Executives. It says, I was the realtor
13 representing Spas Mitzin and Zoia Mitzina with the
14 purchase of their home at 505 North Lehigh Avenue in the
15 Borough of Wind Gap.

16 Reviewing the Northampton County tax information
17 from their website which follows this letter, the home
18 was built in 1995 and the garage was built in 1990.
19 Both the home and garage were in need of much attention.

20 When they purchased the property on April of
21 2001, the garage had an office, a full bath and a
22 bedroom to one side and a two bay garage with storage
23 space to the other side. We have been in their home
24 recently and the condition has improved tremendously
25 since their ownership.

1 If you have any questions regarding this matter,
2 feel free to call me at 610-863-8444. Yours truly,
3 Joseph Kessler, Realty Executives.

4 Now, do you have anything else that you would
5 like to present to the Board? Your father will have an
6 opportunity after you are done.

7 MS. MITZINA: My father wants to submit these.
8 Electricity, everything is done separate.

9 MR. MOLNAR: We will take a look at those. We
10 will mark those one by one.

11 (Exhibit A 4 marked for identification.)

12 MR. MOLNAR: We will let you identify to the
13 Board. First one is A 4, and if you could identify to
14 the Board what A 4 is?

15 MS. MITZINA: That is electric meter.

16 MR. MOLNAR: Now, I see there is three different
17 meters. That is what you are saying, they are separate
18 meters?

19 MS. MITZINA: Yes.

20 THE CHAIRMAN: Is that on the garage?

21 MS. MITZINA: I don't know.

22 (Exhibit A 5 marked for identification.)

23 MS. MITZINA: That is actually on the house, I
24 think.

25 MR. MOLNAR: The Board will see that, each Board

1 member will have an opportunity to review this. Do you
2 have any other photographs?

3 MS. MITZINA: That is actual inspection.

4 MR. MOLNAR: This would be A 6.

5 (Exhibit A 6 marked for identification.)

6 MR. MOLNAR: Could you identify A 6 for the
7 Board?

8 MS. MITZINA: Michael, the guy who did the
9 inspection.

10 MR. MOLNAR: We will let your dad expand upon
11 these photographs in a few seconds. Okay? Now, the
12 next photograph you would like to present for the Board,
13 we will mark that as A 7.

14 (Exhibit A 7 marked for identification.)

15 MR. MOLNAR: Where is this located, if you know?

16 MS. MITZINA: I think in the basement, he will
17 explain.

18 MR. MOLNAR: You are doing great, Nina. It is
19 hard, but you are doing fine. Now, you have another
20 photograph that you would like to present? And your dad
21 will have ample opportunity to explain. This will be A
22 8.

23 (Exhibit A 8 marked for identification.)

24 MR. MOLNAR: We have marked A 8; where is this?

25 MS. MITZINA: On the garage.

1 MR. MOLNAR: Then you have one other photograph,
2 A 9.

3 (Exhibit A 9 marked for identification.)

4 MR. MOLNAR: Where is this located?

5 MS. MITZINA: My dad knows.

6 MR. MOLNAR: Your dad will have an opportunity.
7 Now, you have one other business card?

8 (Exhibit A 10 marked for identification.)

9 MS. MITZINA: Business card from the guy who did
10 the electric work.

11 MR. MOLNAR: Business card from JR Electrical, A
12 10. Your father may know the answer to this question.
13 So we will let him answer it, if you don't know it.
14 When did this gentleman do the electrical work? If you
15 don't know, that's fine.

16 MS. MITZINA: Couple months ago.

17 MR. MOLNAR: Do you know what he did? Well, we
18 will let your dad go into that.

19 MS. MITZINA: He probably put lights.

20 MR. MOLNAR: All right. Is there anything else
21 that you have to present now and then your mother and
22 father will be able to present whatever evidence they
23 want, only what you would like to present?

24 MS. MITZINA: According to the law, the property
25 has to be 20 feet from the next door house, to the

1 actual house, to the garage?

2 MS. TURLINGTON: Ten. That's not in question.

3 MR. MOLNAR: Anything else that you have? Then
4 the Board will have an opportunity to ask questions of
5 you, if they have any.

6 MR. MITZIN: This is before the house, this is
7 after the change.

8 MR. MOLNAR: We will mark this A 11.

9 (Exhibit A 11 marked for identification.)

10 MR. MOLNAR: We have now marked a photograph A
11 11, if you could identify that, please?

12 MS. MITZINA: This is after we bought the house.
13 This is what the house looks like now. This is here, it
14 is real nice.

15 (Exhibit A 12 marked for identification.)

16 MR. MOLNAR: Can you tell the Board what A 12 is?

17 MS. MITZINA: Picture behind the house. It is
18 like this one.

19 MR. MOLNAR: A 1, 2nd page, same thing. Thank
20 you. Anything else now?

21 MS. MITZINA: My parents actually wanted to
22 present a letter saying that my grandparents will be
23 coming.

24 (Exhibit A 13 marked for identification.)

25 MR. MOLNAR: We have marked this as A 13. We

1 have a letter notarized by Ethel Manaway. This is
2 signed by your mother; whose signature is on there?

3 MS. MITZINA: My mom.

4 MR. MOLNAR: This is an invitation of the Embassy
5 of the United States of America, American Consulate,
6 Bulgaria. Now, do you have anything else?

7 MS. MITZINA: The reason why he wanted to be
8 permitted to do this is because the hardship is my
9 grandparents right now, my grandfather had surgery.

10 MR. MOLNAR: So your grandparents plan to come
11 over to the United States sometime in the future?

12 MS. MITZINA: Yes, next month.

13 MR. MOLNAR: Where would your grandparents be
14 living at your property, in the garage, in the house?

15 MS. MITZINA: In the house.

16 MR. MOLNAR: Is there anything else that you
17 would like to present?

18 MS. MITZINA: I don't think so.

19 MR. MOLNAR: You did very nice, thank you. You
20 will have to keep the last page here with the exhibits.
21 Thank you. Does any of the Board members have any
22 questions at this time of Nina?

23 MS. ROSEBERRY: I am still unclear on a couple
24 of things. You want to have this garage so that you
25 could have friends and family stay there and not charge

1 any rent or anything and yet you had a sign up in the
2 lawn advertising rental?

3 MS. MITZINA: My father actually wanted to do
4 that, he wanted to rent it.

5 MS. ROSEBERRY: So if we give you permission, you
6 will rent it?

7 MS. MITZINA: We don't know if we are going to
8 rent it or not. We just want to have the permission.
9 We want to have the permission if we decide to rent it
10 one day to have it.

11 MR. MOLNAR: Do any other Board members have any
12 questions?

13 THE CHAIRMAN: Your testimony was from the
14 realtor that one apartment was in the garage when your
15 parents purchased the property?

16 MS. MITZINA: Yes, that's correct.

17 MS. ROSEBERRY: I didn't actually hear that. I
18 just heard that there was a garage there.

19 MR. MOLNAR: I he said there was some existing
20 facility there.

21 MS. ROSEBERRY: He did not say there was a rental
22 in there, it was a home office.

23 MS. MITZINA: It used to be a home office, what
24 we did was we fixed it, remodeled it.

25 MS. ROSEBERRY: And made it into a house with the

1 addition of the eating area, the cooking area.

2 MS. MITZINA: It was all together, two rooms and
3 a bathroom.

4 MS. ROSEBERRY: Right. When you bought it, it
5 was a garage with the office. You made it a garage with
6 another house, a little mini house inside.

7 MS. MITZINA: It was already there, nothing was
8 made.

9 MS. ROSEBERRY: You just converted it, you just
10 redid the inside and changed it from one use to another
11 use?

12 MS. MITZINA: Yes. The actual office on the
13 outside looked exactly how it is now, the apartment.

14 MS. ROSEBERRY: You did not make it any bigger.
15 You just converted it to another use.

16 MS. RONALDS: However, it says in that letter
17 the other side of the garage was storage, but did your
18 parents make that into an apartment; because you said
19 that there was, in the picture of the garage, you said
20 that this is where the existing apartment was when you
21 bought the home?

22 MS. MITZINA: Yes.

23 MS. RONALDS: But according to the realtor, as
24 you face the garage, it would be to the left; you said
25 that was the existing, where the home office with the

1 bedroom was and bathroom when your parents bought the
2 home?

3 MS. MITZINA: Yes.

4 MS. RONALDS: Your realtor's letter said on this
5 side it was storage space. Did your parents make that
6 an apartment?

7 MS. MITZINA: No, it is actually an apartment for
8 relatives.

9 MS. RONALDS: But that apartment was not there
10 when your parents bought the home, correct, that was
11 storage space and your parents made that into an
12 apartment for your family when they come to visit?

13 MS. MITZINA: It was already there.

14 MS. RONALDS: As storage?

15 MS. MITZINA: We did not build it.

16 MS. RONALDS: Right, but is there a bathroom on
17 this side in this second apartment that you put in?

18 MS. MITZINA: Yes.

19 MS. ROSEBERRY: They didn't change the
20 structure, they changed the use.

21 MS. MITZINA: Yes.

22 MR. MOLNAR: We were referring in the last few
23 moments to Exhibit A 2 which is the garage structure.
24 Now, just to clarify the record, the area where the two
25 garage doors are, is there living quarters in that side?

1 MS. MITZINA: Anything in there?

2 MR. MOLNAR: Yes, except for garage purposes?

3 MS. MITZINA: No.

4 MR. MOLNAR: The residential quarters was on the
5 inside of the garage doors.

6 MS. MITZINA: This is apartment.

7 MR. MOLNAR: Does the Board have any other
8 questions?

9 MR. NITTLE: You might have to ask your dad
10 this. The one picture shows three electric meters. Do
11 you get at your house three electric bills?

12 MS. MITZINA: Yes.

13 MS. TURLINGTON: For how long, since you have
14 gotten this?

15 MS. MITZINA: No, since the apartment was
16 inspected there is three meters.

17 MR. MOLNAR: Does the Board have any other
18 questions? We will get to a clarification from the
19 zoning officer in a moment. Does the Board have any
20 other questions from Nina?

21 (No questions.)

22 MR. MOLNAR: Thank you, Nina. You can have a
23 seat. Does the zoning officer have any points of
24 clarification?

25 MS. TURLINGTON: As I mentioned earlier, I was

1 out at the site. I also have photos that might help
2 clarify a little better. There are two apartments.

3 MR. MOLNAR: We will make those part of the
4 record.

5 MS. TURLINGTON: This is the apartment that they
6 would like to rent out. This is one there on the side;
7 you can't see the door.

8 MR. MOLNAR: We will make those all part of the
9 record. The first one will be Zoning Officer 2.

10 (Exhibit Zoning Officer 2 marked for
11 identification.)

12 MR. MOLNAR: Could you tell us what Zoning
13 Officer 2 is?

14 MS. TURLINGTON: Picture of a two car garage with
15 two apartments, one on the left side and one on the
16 right side. You can't see the door to the one on the
17 right side from that photo.

18 (Exhibit Zoning Officer 3 marked for
19 identification.)

20 MR. MOLNAR: We have marked Zoning Officer 3, if
21 you could identify what that is?

22 MS. TURLINGTON: That is what Kelly was
23 questioning about earlier, the garage door. This is the
24 middle of the garage, that is the storage area.

25 (Exhibit Zoning Officer 4 marked for

1 identification.)

2 MR. MOLNAR: Now, we have marked another
3 photograph as Zoning Officer 4; could you identify 4?

4 MS. TURLINGTON: Storage in the garage.

5 (Exhibit Zoning Officer 5 marked for
6 identification.)

7 MR. MOLNAR: Then you have Zoning Officer Exhibit
8 5. Nina, is that you in the photo?

9 MS. MITZINA: Yes.

10 MS. TURLINGTON: First apartment to the left, the
11 one they want permission to rent out.

12 (Exhibit Zoning Officer 6 marked for
13 identification.)

14 MR. MOLNAR: Then finally we have Zoning Officer
15 Exhibit 6.

16 MS. TURLINGTON: That is just more pictures of
17 the first apartment. What it is basically is basically
18 an apartment on both sides, one on the left and one on
19 the right.

20 (Exhibit Zoning Officer 7 marked for
21 identification.)

22 MR. MOLNAR: Then we have Zoning Officer Exhibit
23 7?

24 MS. TURLINGTON: First apartment again, bathroom.

25 (Exhibit Zoning Officer 8 marked for

1 identification.)

2 MR. MOLNAR: Zoning Officer 8?

3 MS. TURLINGTON: Read the back.

4 MR. MOLNAR: First rental apartment.

5 MS. TURLINGTON: First bedroom.

6 (Exhibit Zoning Officer 9 marked for
7 identification.)

8 MR. MOLNAR: Then we have marked Zoning Officer
9 Exhibit 9 which has second family apartment.

10 MS. TURLINGTON: That's the one they want to use
11 for family and friends.

12 (Exhibit Zoning Officer 10 marked for
13 identification.)

14 MR. MOLNAR: Then we have Zoning Officer Exhibit
15 10 which is marked second family apartment.

16 MS. TURLINGTON: Bedroom.

17 (Exhibit Zoning Officer 11 marked for
18 identification.)

19 MR. MOLNAR: Then we have Zoning Officer Exhibit
20 11; what is that?

21 MS. TURLINGTON: Bathroom to the second
22 apartment, basically two full bedrooms, two full
23 bathrooms and two full living rooms, family areas and
24 kitchen.

25 MR. MOLNAR: Does the Board have any questions of

1 the Zoning Officer on that?

2 (No questions.)

3 MR. MOLNAR: Nina, do you have anything further;
4 do you have anything you would like to say about these
5 photographs at all?

6 MS. MITZINA: No, that's exactly what it is.

7 MR. MOLNAR: Now, there was some discussion about
8 your dad, he wanted to say something in Bulgarian and
9 you wanted to interpret. Now, in terms of
10 interpretation, generally what the person that is doing
11 the interpretation has to do is state to the Board what
12 your father is saying exactly in terms of what his
13 statements are. And you are under oath to do the
14 interpretation of what your father is saying. Do you
15 agree to do that?

16 MS. MITZINA: Yes.

17 MR. MOLNAR: So that our stenographer, I don't
18 believe knows Bulgarian, so that she is going to be
19 taking down what you say that your father is saying.
20 Your father, I know, has a number of things to say.

21 We will try to break it down. If you can make
22 some short statements that Nina could state and then we
23 will go back and forth. Could you give a little bit of
24 background in Bulgarian and Nina will tell us?

25 Now, Nina, your father has identified Exhibit A 8

1 and A 9. What did he say about A 8 and 9?

2 MS. MITZINA: That is the two electricities that
3 go into down in the ground and goes underneath and goes
4 over to all the meters.

5 MR. MOLNAR: Now, your father was referring to A
6 2. Could you tell us what he said?

7 MS. MITZINA: He said that when we bought the
8 house, there was office and bathroom in there.

9 MR. MOLNAR: Let's go on to the next exhibit.

10 MS. MITZINA: He just gave me this, electric
11 bills.

12 MR. MOLNAR: These are some MET ED bills. We
13 will mark this A 14.

14 (Exhibit A 14 marked for identification.)

15 MR. MOLNAR: Exhibit A 14 are MET ED bills.

16 MS. ROSEBERRY: Is your father going to make a
17 statement or just go over the same testimony?

18 MS. MITZINA: He was just going to explain what I
19 didn't know.

20 MS. ROSEBERRY: Okay.

21 MR. MOLNAR: Can you tell us what A 14 is before
22 we will go to the next one?

23 MS. MITZINA: A 14 is our house.

24 MR. MOLNAR: The first page of A 14 is the home
25 in which Mr and Mrs. Mitzina and you are living in that

1 house?

2 MS. MITZINA: Right.

3 MR. MOLNAR: What is the next one? The second
4 page of that, can you tell us what that is?

5 MS. MITZINA: The first apartment.

6 MR. MOLNAR: Second page is the first apartment.
7 And the third page is what?

8 MS. MITZINA: Second apartment.

9 MR. MOLNAR: Your house and two apartments.

10 MR. MITZIN: This is before and after.

11 MR. MOLNAR: Right, we understand. Thank you so
12 much. Thank you very much, I appreciate it.

13 MS. MITZINA: I also have a question of the
14 Board. If we do get the permission from you guys, I
15 wanted to ask the neighbor's permission for the garage.
16 I am asking how far the apartment actually has to be.

17 MR. MOLNAR: That's something you need to confer
18 with the Zoning Officer about. The Board can't give you
19 opinions on it. The Board here is sitting as judges, as
20 a better word, they can't give advice. So that you can
21 discuss that with the Zoning Officer after the meeting.
22 Anything else, Nina? Does your mother have anything to
23 say?

24 MRS. ZOIA MITZINA: I wanted to say thank you for
25 your time. I appreciate your patience. I appreciate

1 everything what you did for us and we need this
2 permission because we really have a hardship. Our
3 hardship is my parents.

4 And, actually, we have a tradition. We take care
5 of our parents. We don't have a nursing home in my
6 country, and we pay everything for my parents. Now I
7 have brother, but we take turnS. My father had
8 operation and surgery for cancer and we spent a lot of
9 money and we continue to spend this money.

10 And we wanted to hire the lawyer but we can't
11 afford this expense because now I have to pay their
12 tickets. And yesterday they got permission to come
13 here, and it is not easy. It is about \$2,000 is what it
14 cost for their tickets. I am going to pay for doctors
15 for everything. That is our expenses for now.

16 Also, we pay college for my daughter and other
17 daughter. She is in Air Force now, but we still pay her
18 loan, help her, you know. That is hour hardship.

19 When we came here ten years ago, we start from
20 zero, maybe under a zero because in my country our
21 currency is different. We make money enough for over
22 there, but not enough for over here. We work hard.

23 We pay our taxes, we want to be good citizen in
24 this country. I appreciate because this country gave us
25 big opportunity to do that. And it is really free

1 country. We appreciate because we know how not to be
2 free in my country.

3 It was forbidden to go to church and here, in
4 this country give opportunity to my kids to finish
5 college, to have job, to me to have job and to have a
6 house here. And that is we appreciate that. This
7 country is my second house here. I am so thankful, you
8 know.

9 I know America is freedom for speech and freedom,
10 really, really freedom, you know. We wanted to live
11 free. We wanted to pay our taxes. We wanted to be
12 honest. We expect people to be honest with us, like
13 government, like you guys now. Thank you.

14 MR. MOLNAR: Does the Board have any further
15 questions from anybody?

16 (No questions.)

17 MR. MOLNAR: Seeing none; Nina, do you have any
18 other evidence that you would like to present tonight or
19 anything?

20 MS. MITZINA: No.

21 MR. MOLNAR: We will accept the evidence that was
22 presented tonight. And unless there is any other
23 evidence, there is no one in the audience that opposes
24 the evidentiary portion. Do you have a motion to close
25 the evidentiary portion?

1 MS. NITTLE: Make a motion to close the
2 evidentiary portion.

3 MS. ROSEBERRY: Second.

4 (Vote taken.)

5 (Motion carried.)

6 (Brief recess for deliberation.)

7 THE CHAIRMAN: We will reopen the meeting.

8 MR. MOLNAR: The evidence has been closed and
9 the Board has had a chance to deliberate. We have an
10 application request for the existing use which is not
11 part of the application which is a single family
12 dwelling and then we have the garage which there is a
13 request for two rental units or in the alternative one
14 rental unit. The focus tonight is not on the house but
15 is on the garage.

16 The Board has 45 days in which to make a
17 decision. Does the Board care to make a decision
18 tonight?

19 THE CHAIRMAN: We discussed it enough that we can
20 make a motion. We discussed the effect on the
21 neighborhood. We discussed the hardships and the
22 requirements of the variance. At this time I make a
23 motion that we not grant the variance. Do I have a
24 second?

25 MS. NITTLE: I second that motion.

1 THE CHAIRMAN: All in favor of not granting the
2 variance, say aye.

3 (Vote taken.)

4 (Motion carried.)

5 MR. MOLNAR: A written decision will be issued
6 within 45 days of tonight. And the Board will give the
7 reasons for their decision tonight in that written
8 decision, and there is a 30 day appeal period from which
9 the decision is mailed that you could appeal to the
10 Court of Common Pleas, if you disagree with the
11 decision.

12 The only other thing would be a motion to
13 adjourn.

14 MR. NITTLE: I will make a motion to adjourn
15 tonight's meeting.

16 THE CHAIRMAN: Second.

17 (Vote taken.)


18 (Motion carried.)

19 (Adjourned at 8:45 p.m.)
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